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EXAMINER

SINGH, DALZID E

ART UNIT	PAPER NUMBER
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2633

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,690

Applicant(s)

KELLER ET AL.

Examiner

Dalzid Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 6, 9, 11 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7, 8, 10, 12-20 and 22-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 20 is objected to because of the following informalities:

In claim 20, line 6, applicant recites "...a second amgle..." It appears that this is typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 5, 7, 8, 10, 12-19, 20 and 22-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claims 1 and 8, applicant recites "... common property..." In the specification, as originally filed, such term is not defined. Therefore, the claim fails to comply with the written description requirement.

In claims 15 and 20, applicant recites "... first property..." In the specification, as originally filed, such term is not defined. Therefore, the claim fails to comply with the written description requirement.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 8-15, 17-20 and 23-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Doucet et al (US Patent No. 5,786,923).

Regarding claim 1 (as far as understood), Doucet et al disclose
telecommunication network comprising:

an optical module including a plurality of optical receivers, each optical receiver configured to receive a unique optical wireless signal, the optical module being configured to distinguish each unique optical wireless signal at one of the optical receivers (as shown in Fig. 1, Doucet et al show plurality of transceiver units connected to 800A and 800M, which comprise of receiver and transmitter; the receiver received signal in time-multiplexed fashion, which indicate that each receiver received unique signal distinguish by assigned time slot for each receiver, see col. 2, lines 59-62, col. 6, lines 18-21, col. 7, lines 39-44);

processor circuitry (for example 795), which is found in optical router shown in Fig. 4, coupled to the plurality of optical receivers (optical receiver is part of the optical transceivers connected to 800A to 800M), the processor circuitry receiving electrical signals derived from the optical wireless signals (since the receiver comprise of photo-

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diode, see col.17, lines 5-9, therefore the optical wireless signal is converted to electrical signal to be processed by circuitries (795)); and

an interface unit coupled to the processor circuitry (for example, optical elements (230, 240, 261, 262, 380), shown in Fig. 6, is coupled to the processor circuitry (795)).

Regarding claim 5, in col. 8, lines 20-23, Doucet et al teach that the receiver, within the optical router, used gratings (i.e., filter) so that the receiver can receives optical signals within a limited range of wavelengths.

Regarding claims 8 and 25 (as far as understood), as discussed above, Doucet et al teach the use of time-multiplexed to transmit and received the signal, which enabled and disabled the receiver over time such that each optical receiver can receive no more than one of the unique optical wireless signals (see col. 5, lines 6-11 and col. 6, lines 18-41, the optical wireless signal (beam) could be transmitted in time-multiplexed (i.e., time slots), frequency multiplexed or code multiplexed fashion, which contain timing information to instruct the transceiver as when to transmit, which indicate when to receive the transmitted signal.

Regarding claims 10, 27 and 28 (as far as understood), as cited in col. 7, lines 36-47, Doucet et al teach that the unique optical wireless signals includes a modulated sub-carrier signal and wherein each of the optical receivers is configured to receive source information from the modulated sub-carrier signal (Doucet et al teach the use of modulated signal; modulated or encoded signal comprises of data signal (i.e., information signal) and carrier signal).

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Regarding claim 12, Doucet et al teach that the processor circuitry comprises a digital signal processor (in col. 6, lines 31-41, Doucet et al teach the use of master clock to compute timing information, which is a digital signal processor).

Regarding claim 13, as shown in Fig. 4, Doucet et al show microcontroller (for example, control system 795 contain a microcontroller for controlling or deflecting beam).

Regarding claim 14, as shown in Fig. 8, Doucet et al show optical elements (230, 240, 261, 262, 380) as an interface unit comprises a physical layer device (i.e., lenses).

Regarding claim 15 (as far as understood), Doucet et al disclose telecommunication network comprising:

a first optical wireless receiver having a photodetector with a first field of view (transceiver, which include receiver, connected to 800A, can be considered as first optical wireless receiver; and see col. 17, lines 5-9 and shown in Fig. 7, Doucet et al teach the use of photodiode in the receiver);

a second optical wireless receiver having a photodetector with second field of view (transceiver, which receiver, connected to 800B or 800M, can be considered as second optical wireless receiver; and see col. 17, lines 5-9 and shown in Fig. 7, Doucet et al teach the use of photodiode in the receiver; and

processing circuitry (795) coupled to the first and to the second optical wireless receivers (the receivers are within transceiver units connected to 800A and 800B or 800M), the processing circuitry receiving first data from a first remote source and second data from a second remote source (for example, subscriber transceiver units

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are remote sources), the first data being received through the first optical wireless receiver and the second data being received through the second optical (see col. 7, lines 60-67 to col. 8, lines 1-12).

Regarding claim 17, in col. 8, lines 20-23, Doucet et al teach the use of gratings (i.e., wavelength filter).

Regarding claim 18, Doucet et al disclose telecommunication network comprising optical wireless communication device, as discussed above, further comprises:

- a transmitter, part of the transceiver system as disclosed above;

- a source of light having a beam of light (as shown in Fig. 4, Doucet et al show beams of light coming out of the transceiver connected to 800A, 800B or 800M);

- a controllable beam steering device (see col. 22, lines 14-19, Doucet et al teach rotating the optical antenna (i.e., beam steering device) to search for other transceivers); and

- an actuator to permit steering said light beam, the beam steering device being controllable by predetermined control signals (as discussed above, optical antenna can be rotated (i.e., steer) to search for other transceivers, therefore there must be actuators to turn and control movement of the antenna).

Regarding claim 19, as shown in Fig. 4, Doucet et al show plurality of additional optical receivers, at least some of the additional optical receivers having a photodetector with said first field of view (see col. 17, lines 5-9).

Regarding claim 20 (as far as understood), Doucet et al disclose telecommunication network, as shown in Fig. 3, comprising:

receiving a first optical wireless signal from a first source (optical router (110)
received first optical wireless signal from first source (for example, 130A));

receiving a second optical wireless signal from a second source (optical router
(110) received second optical wireless signal from second source (for example, 130B));
and,

distinguishing between the first optical wireless signal and the second optical
wireless signal (in col. 7, lines 36-67, Doucet et al teach method of distinguishing
between different users and in col. 8, lines 1-12, 20-30, Doucet et al teach the use of
grating to distinguish between different signals (i.e., wavelengths)).

Regarding claim 23, as cited in col. 8, lines 21-23, Doucet et al teach the use of
grating to separate different wavelengths (i.e., at least two wavelengths).

Regarding claim 24, as cited in col. 18, lines 48-51, Doucet et al teach that the
first optical wireless signal (first light beam) has a first polarization and the second
optical wireless signal (second light beam) has a second polarization, the second
polarization being substantially orthogonal to the first polarization.

Regarding claim 28 (as far as understood), in col. 5, lines 6-11, Doucet et al
teach the different multiplexing technique for transmitting the wireless optical signal.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doucet et al (US Patent No. 5,786,923).

Regarding claim 22, Doucet et al, as shown in Fig. 4, show transceivers connected to 800A or 800B or 800M in a circular fashion and differ from this claim in that the second field of view being at least five degrees out of line with the first field of view. However, as shown in the figure, Doucet et al clearly show separation between the transceivers' field of view. Based on this teaching, it would have been obvious to an artisan at the time of the invention to adjust the field of view of the transceivers to be at least five degrees. Furthermore, where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation. *In re Swain et al.*, 33 CCPA (Patents) 1250, 156 F.2d 239, 70 USPQ 412; *Minnesota Mining and Mfg. Co. v. Coe*, 69 App D.C. 217, 99 F.2d 986, 38 USPQ 213; *Allen et al. v. Coe*, 77 App D.C. 324, 135 F.2d 11, 57 USPQ 136. In addition, discovery of an optimum value of a result effective variable in a known process is ordinarily within the skill of the art. *In re Antonie*, 559 F.2d 239, 618, 195 USPQ 6 (CCPA 1977); *In re Aller*, 42 CCPA 824, 220 F.2d 454, 105 USPQ 233 (1955). See also *In re Aller*, 105 USPQ 233 (CCPA 1955) and *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Therefore, it would have been obvious to set the field of view to an optimum or workable value or range by routine experimentation.

8. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doucet et al (US Patent No. 5,786,923) in view of Kennedy (US Patent No. 5,121,242).

Regarding claim 7, Doucet et al disclose telecommunication network which received orthogonal polarized beams (see col. 14, lines 21-24) which include two states of polarization (for example, trans electric (TE) and trans magnetic (TM) which are orthogonal with respect to the other). Doucet et al differ from this claim in that Doucet et al do not teach that some of the optical receivers include a filter that only passes a first polarization of light and others of the optical receivers include a filter that only passes a second polarization of light, the first polarization being substantially orthogonal to the second polarization. However, Kennedy, in col. 4, lines 58-62, teaches the use of polarized filter having a wave plate that transmit (passes) light having a predetermined angle of polarization (for example, first polarization which could be in TE mode of polarization) and block light having polarization perpendicular (orthogonal) to this angle of polarization (for example, second polarization which is in TM mode of polarization). Since Doucet et al teach that the receivers within the optical router, as shown in Fig. 4, received plurality of different wireless optical signals from all directions, therefore it would have been obvious to provide a polarization filter, as taught by Kennedy, to the receivers of Doucet et al in order to receive a desired optical wireless signal having a particular polarization state. One of ordinary skill in the art would have been motivated to provide such filter in order to eliminate or reduce signal interference, such as crosstalk, that occur between different optical wireless signals.

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Regarding claim 16, as discussed above, the combination of Doucet et al and Kennedy teaches the use of a polarization filter (i.e., polarized filter which distinguish among different polarization states).

Response to Arguments

9. Applicant's arguments filed 09 April 2004 have been fully considered but they are not persuasive.

Applicant argues that the reference, Doucet et al, does not show an embodiment in which received optical wireless signal is converted to electrical signal. However, in col. 17, lines 5-9, Doucet et al teach that the receiver comprise of photodiode. It is well known in the art that photodiode convert optical signal into electrical current. Therefore, Doucet et al teach the conversion of optical signal into electrical signal.

Furthermore, applicant argues that the present invention "has the receivers receiving a signal having a common property" As discussed above it is unclear what is meant by common property. If applicant refers to area where the optical beam overlaps, in Fig. 2, Doucet et al show overlapping beams (see also col. 6, lines 58-64).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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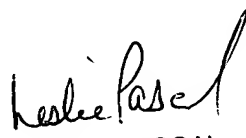
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalzid Singh whose telephone number is 703-306-5619. The examiner can normally be reached on Mon-Fri 8am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 703-305-4729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DS
June 18, 2004


LESLIE PASCAL
PRIMARY EXAMINER